


**IN THE CITY COURT OF THE
CITY OF TUCSON, ARIZONA
IN AND FOR THE CITY OF TUCSON**

**IN THE MATTER OF: Court)
Administrative Policy Statement)
Media Access to Public Judicial)
Proceedings)**
_____)

**ADMINISTRATIVE ORDER
2004- 200-1
(correcting and replacing
CAPS No. 20-1)**

IT IS ORDERED that the attached Court Administrative Policy Statement is approved and shall apply to all court personnel.

Dated this 28th day of May, 2004



Hon. Antonio Riojas
Associate Presiding Magistrate



CITY OF
TUCSON

CITY COURT
ADMINISTRATION

City Court Administrative Policy Statement 20-1
Original Issuance Date January 25, 2002
Revised: January 25, 2004

MEDIA ACCESS TO PUBLIC JUDICIAL PROCEEDINGS

1. REFERENCE:

Rules of the Supreme Court of Arizona, Rule 122. Electronic and Photographic Coverage of Public Judicial Proceedings.

2. PURPOSE:

To establish an access policy for news media agencies to the Tucson City Court building, courtrooms, and proceedings conducted within, consistent with Arizona Supreme Court Rule 122, Electronic and Photographic Coverage of Public Judicial Proceedings.

3. POLICY:

News media agency coverage of judicial proceedings in courtrooms and areas immediately adjacent thereto during sessions of court may be permitted at the sole discretion of the Magistrate of the particular proceeding, giving due consideration to the factors contained in Arizona Supreme Court Rule 122, Electronic and Photographic Coverage of Public Judicial Proceedings (see enclosure 1)

Frequently a proceeding before the court will generate news media attention and coverage. Responsible management of the news media (camera crews, equipment crews, and reporters) is necessary to maintain order, control, safety, and a sense of decorum in the court.

4. IMPLEMENTING INSTRUCTIONS

- a. All media interviews of persons conducted on court premises will be coordinated with court administration and conducted in a location established by court administration. The intent is to maintain order, control, safety, and a sense of decorum in the court.

- b. Requesting Access. Any news media agency desiring access to the Tucson City Court building, courtrooms, or proceedings conducted within will request access 48 hours in advance. Requests will be submitted by filing a motion, REQUEST FOR MEDIA COVERAGE OF PUBLIC JUDICIAL PROCEEDINGS (see example at enclosure 2), with the Court Administrator, room 201, telephone (520) 791-4189, fax number (520) 791-5692, who will route the motion to the appropriate Magistrate.
- c. Granting Access. The Magistrate assigned to the proceeding the media has requested to cover will review the motion and issue an order to grant or deny access. The order will cover the limits of access and will require that all persons with cameras comply with the provisions of the Arizona Supreme Court Rule 122, Electronic and Photographic Coverage of Public Judicial Proceedings. A copy of the Magistrate's order will be provided to Court Administration.
- d. News Media Agencies Granted Access. News media agencies granted access are responsible for complying with judicial orders issued for electronic and photographic coverage of public judicial proceedings.
- e. For Video Arraignments held weekdays, weekends, and holidays in courtroom #1, news media agencies need not file a motion as indicated in b above. News media agencies are pre-approved to film from the hallway area through the window into courtroom 1. Rule 122 is applicable. News media agencies will need to check in with Court Administration on weekdays and with court security on weekends and holidays.

5. RESPONSIBILITY FOR REVIEW:

The Court Administrator or designee will review this Court Administrative Policy Statement for revision and/or deletion annually.


Court Administrator

Enclosures:

- 1. Arizona Supreme Court Rule 122, Electronic and Photographic Coverage of Public Judicial Proceedings.
- 2. Request for media coverage of public judicial proceeding.

RULES OF THE SUPREME COURT OF ARIZONA

XI. MISCELLANEOUS PROVISIONS

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Current with amendments received through 10/01/2001

SearchTerm1SearchTerm1Rule 122. Electronic and Photographic Coverage of Public
Judicial ProceedingsSearchTerm3SearchTerm3

Electronic and still photographic coverage of public judicial proceedings in the courtroom and areas immediately adjacent thereto during sessions of court may be permitted in accordance with the following guidelines:

(a) No electronic or still photographic coverage of juvenile court proceedings shall be permitted, except that such coverage may be permitted in adoption proceedings for the purpose of memorializing the event, with the agreement of the parties to the proceeding and the court.

(b) Electronic and still photographic coverage of public judicial proceedings other than the proceedings specified in paragraph (a) above may be permitted in the sole discretion of the judge of the particular proceeding giving due consideration to the following factors:

(i) The impact of coverage upon the right of any party to a fair trial;

(ii) The impact of coverage upon the right of privacy of any party or witness;

(iii) The impact of coverage upon the safety and well-being of any party, witness or juror;

(iv) The likelihood that coverage would distract participants or would detract from the dignity of the proceedings;

(v) The adequacy of the physical facilities of the court for coverage; and

(vi) Any other factor affecting the fair administration of justice.

(c) Electronic and still photographic coverage of the appearance or testimony of a particular witness may be prohibited if in the sole discretion of the judge of the proceeding, the judge determines that such coverage would have a substantially greater adverse impact upon the witness or his or her testimony than non-electronic and non-photographic coverage would have.

(d) Nothing in paragraph (b) or (c) above shall be construed as requiring the judge of the particular proceeding to state grounds or make findings in support of the determination to permit, limit or preclude electronic and still photographic coverage, and the exercise of the judge's discretion in limiting or precluding such coverage shall not be subject to judicial review.

(e) The law generally applicable to inclusion or exclusion of the press or public at court proceedings or during the testimony of particular witness shall apply to the coverage hereunder.

(f) Requests by the media for coverage shall be made to the judge of the particular proceeding sufficiently in advance of the proceeding or portion thereof as not to delay or interfere with it. The judge shall notify all parties and witnesses of the request.

(g) Objections of a party to coverage must be made on the record prior to

commencement of the proceeding or portion thereof for which coverage is requested. Objections of a non-party witness to coverage of his or her appearance or testimony may be made to the judge at any time. Any objection not so made will be deemed waived. This provision shall not diminish the judge's authority to preclude or limit coverage of a proceeding in the judge's sole discretion as above provided.

(h) Nothing herein shall alter the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity.

(i) Individual journalists may use their personal audio recorders in the courtroom, but such usage shall not be obtrusive or distracting and no changes of tape or reels shall be made during court sessions. In all other respects, news reporters or other media representatives not using cameras or electronic equipment shall not be subject to these guidelines.

(j) No media film, videotape, still photograph or audio reproduction of a judicial proceeding shall be admissible as evidence in such proceeding or in any retrial or appeal thereof.

(k) Coverage of jurors in a manner that will permit recognition of individual jurors by the public is strictly forbidden. Where possible, cameras should be placed so as to avoid photographing jurors in any manner.

(l) There shall be no audio recording or broadcasting of conferences in the courtroom between attorneys and their clients, between attorneys, or between attorneys and the court.

(m) It shall be the responsibility of the media to settle disputes among media representatives, facilitate pooling where necessary, and implement procedures which meet the approval of the judge of the particular proceeding prior to any coverage and without disruption to the court. If necessary the media representatives shall elect a spokesperson to confer with the court.

(n) No more than one television camera and one still camera mounted on a tripod, each with a single camera operator, shall be permitted in the courtroom for coverage at any time while court is in session. The broadcast media shall select a representative to arrange the pooling of media participants. The court shall not participate in the pooling agreement.

(o) The judge of a particular proceeding shall, in a manner which preserves the dignity of the proceeding, designate the placement of equipment and personnel for electronic and still photographic coverage of that proceeding, and all equipment and personnel shall be restricted to the area so designated. Whenever possible, media equipment and personnel shall be placed outside the courtroom. Videotape recording equipment not a component part of a television camera shall be placed outside the courtroom. To the extent possible, wiring shall be hidden, and in any event shall not be obtrusive or cause inconvenience or hazard. While court is in session, equipment shall not be installed, moved or taken from the courtroom, nor shall photographers or camera operators move about the courtroom.

(p) All persons engaged in the coverage permitted hereunder shall avoid conduct or dress which may detract from the dignity of the proceedings.

(q) If possible, media equipment shall be connected to existing courtroom sound systems. No flash bulbs, strobe lights or other artificial lights of any kind shall be brought into the courtroom by the media for use in coverage of a proceeding. Where the addition of higher wattage light bulbs, additional standard light fixtures, additional microphones or other modifications or improvements are sought by the media, the media, through their spokesperson, shall make their recommendations to the presiding

judge of the Superior Court, who may direct whatever modifications or improvements deemed necessary. Any such modifications or improvements shall be made and maintained without public expense.

(r) Television or still cameras which produce distracting sound shall not be permitted. In this regard, the presiding judge may consider a still camera acceptable so long as it is contained in a "blimp" system or is the type of camera such as a Nikon F4 with a Nikon CS-13 camera blimp (otherwise known as a "corduroy sock") which effectively muffles camera sounds.

(s) Cameras and microphones used in the coverage permitted hereunder shall meet the "state of the art." A camera or microphone shall be deemed to meet the "state of the art" when equal in unobtrusiveness, technical quality and sensitivity to equipment in general usage by the major broadcast stations in the community in which the courtroom is located. The current "state of the art" for television cameras shall be met by cameras meeting or exceeding the performance levels of the RCA TK-76 camera system or the Ikegami HL-77 camera system or the Sony BP300 camera system.

(t) Any questions concerning whether particular equipment complies with these guidelines shall be resolved by the presiding judge of the Superior Court or designee.

(u) To facilitate implementation of this rule, the presiding judge of the Superior Court may appoint an advisory committee to make recommendations regarding improvements affecting media coverage of judicial proceedings.

(v) In the case of coverage of proceedings in the Arizona Supreme Court and Courts of Appeal, references herein to the "judge of the particular proceeding" or the "presiding judge of the Superior Court" shall mean the Chief Justice of the Arizona Supreme Court or the Chief Judge of the Court of Appeals, as the case may be.

CREDIT

CREDIT(S)

1997 Main Volume

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Added June 15, 1993, effective Sept. 1, 1993. Amended nunc pro tunc July 27, 1993; nunc pro tunc August 30, 1993.

2001 Electronic Update

Amended Oct. 2, 1998, effective Dec. 1, 1998.

TopOfDocumentTopOfDocument17A A. R. S. Sup. Ct. Rules, Rule SearchTerm2

SearchTerm2122SearchTerm4SearchTerm4

AZ ST S CT Rule SearchTerm3SearchTerm3122SearchTerm5SearchTerm5

END OF DOCUMENT

Enclosure 1

IN THE TUCSON CITY COURT
PIMA COUNTY, STATE OF ARIZONA
103 East Alameda Street, Tucson, Arizona 85701

vs.

NO. _____

**REQUEST FOR MEDIA COVERAGE
OF PUBLIC JUDICIAL PROCEEDINGS**

Pursuant to Arizona Supreme Court Rule 122, Electronic and Photographic Coverage of Public Judicial Proceedings, the _____ would like to request permission to have _____ with a television camera/video camera/still camera present in your courtroom for the proceeding involving defendant _____ who is set for initial appearance/arraignment/pre-trial/trial on _____, _____.

DATE _____

NAME _____

AGENCY _____

Enclosure 2